

REMARKS

Claims 1-4 and 6-13 were rejected under 35 U.S.C. § 103 as being unpatentable over Malcarne in view of Noone. This rejection is traversed for the following reasons.

In applying the references the Examiner acknowledges that Malcarne fails to teach providing material to the polymer jacket to give it conductive properties. The Examiner cites to Noone for teaching this feature, and the Examiner cites to layer 16. Layer 16 in Noone is a conductive layer (column 8, lines 18-32), but is not disposed on the outside surface of the tubing, but rather is a bonding layer used to secure the inner layer 14 to outer layer 12. The outer layer 12 is not described as being conductive. Thus, Noone fails to disclose an outer jacket having conductive properties.

Applicants submit that it would not have been obvious to use a bonding layer, such as that taught by Noone, in the tubing of Malcarne. Malcarne discloses that the reinforcement material may be directly bonded to the tubing 12 (see paragraph [0015]). Thus, there is no need in Malcarne for a bonding layer 16 as taught by Noone. Accordingly, one of ordinary skill in the art would not have been motivated to combine Malcarne and Noone as proposed by the Examiner.

For the above reasons, claim 1 is patentable over Malcarne and Noone. Claims 2-4 and 6-12 depend from claim 1 and are patentable over Malcarne and Noone for at least the reasons advanced with respect to claim 1. Claim 13 recites features similar to those in claim 1 and is patentable over Malcarne and Noone for at least the reasons advanced with respect to claim 1.

Claim 5 was rejected under 35 U.S.C. § 103 as being unpatentable over Malcarne in view of Noone and Ostrander. Ostrander was relied upon for disclosing polyether and polyurethane, but fails to cure the deficiencies of Malcarne and Noone discussed above with reference to claim 1. Thus, claim 5 is patentable over Malcarne in view of Noone and Ostrander for at least the reasons advanced with respect to claim 1.

It is believed that the foregoing amendments and remarks are fully responsive to the Office Action and that all the claims herein are now allowable.

In the event the Examiner has any queries regarding the instantly submitted Amendment, Applicant's attorney respectfully requests the courtesy of a telephone conference to discuss any matters in need of attention.

If there are any additional charges with respect to this response or otherwise,
please charge them to Deposit Account No. 06-1130.

Respectfully submitted,

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